FOR MYSORE STATE

~~Home~~ (1954) Department.

RT SERIES.

G.O. No. 2541

Dated 25-8-54

Parvin

Bro. 19

[Despatch Abstract.]

617/56

To

The Secretary to the Government,
Home Department,
Fort St. George. Madras. 9.

ASSISTANT SECRETARY TO GOVERNMENT
3 MAY 1954
HOME DEPARTMENT

Humble Appeal Petition of Sri. Abdul Khadar,
Arms & Ammunition Dealer, Kadaba, Puttur Taluk.
South Kanara District. Post Kadaba. S.Kanara.

Sir,

Arms Act & Rules - S.Kanara Dt. Puttur Taluk - Opening of an Arms & Ammunition Shop -License prayed for.

Ref:- (1) S.K.Dt. Magistrate's Proceedings Ref.C2.7259/53 dated 19-12-1953.

(2) Board's No.Routine No.1761/54 dated 6-4-1954.

**********O**********

1. Being highly aggrieved by the Order of the Board of Revenue in its proceedings cited 2nd above my appeal preferred against the South Kanara District Magistrate's Order cited 1st above I beg to submit the following few lines for favour of kind consideration and early orders. A copy of my petition to the District Magistrate, South Kanara and a copy of the Appeal addressed to the Board of Revenue are enclosed for favour of immediate perusal and orders.

2. I am a licensed dealer in Arms & Ammunition at Kadaba in Puttur Taluk of South Kanara District. For this purpose I hold licence in Form IX, X, XIII, under the Indian Arms Act, and form A. under the Indian Explosives Act.

3. Kadaba is a small Town situated in the Malnad area of Puttur Taluk. It is surrounded by rivers on all the sides; The amount of business turned out at that place being too little, I wanted to open a wholesale shop at Puttur. S.K. Accordingly, on 26-5-1952, I applied for a linence to deal in all kinds of arms & ammunitions at Puttur. After a long

2

enquiry both through the Revenue and Police officials, my petition dated 26-5-1952 was rejected by the District Magistrate in his proceedings M.L.Dis.3922/52, mainly on the ground that there was no necessity for an additional shop at Puttur and that the existing three shops were enough to meet the needs of the licensees in Puttur Taluk.

4. Of late I came to know that two person from Puttur Town applied for license to deal with, in arms & ammunitions in the Puttur Town and the matter was under speedy enquiry. So, on 9-11-1953 I too applied to the District Magistrate requesting the transfer of my license from Kadaba to Puttur. By this time the petitions of other two petitioners were under enquiry with D.S.P. The petitions of both the two petitioners were recommended by the D.S.P. and my transfer petition was also recommended on the same day.

5. Along with my petition dated 9-11-1953 I had enclosed a copy of the statistics of sale of arms and ammunition etc. in Kadaba for the last three years.(Copy enclosed). In that petition I had put two alteration requests:-

(1) To give me a fresh license to deal with in Arms & Ammunition in Addition to my existing license at Kadaba, at Puttur. (2) To transfer my license from Kadaba to Puttur.

6. To my will-luck inspite of D.S.P's recommendation on my petition as well on the other two petitions, my petition was rejected and a license was granted to one Sri. Mahalinga Pai. Orders on my petition were passed perhaps subsequent to the orders on Mahalinga Pai's petition though D.S.P. recommended tht papers of all the three altogether. Perhaps the weight of the D.S.P's recommendation on my petition was not considered together with the other two petitions or else in the natural course in the eyes of justice refering to my previous rejection papers, District Magistrate would have granted license to in preference to the other two.

7. In this connection I submit the following: I feel that some kind of intentional injustice was pointedly earmarked by the respective authority on my petition as soon as it was presented or else the facts in the para above as well as those explained below would not have taken place at all in such a glaming manner.

8. When the business was in full swing, on 26-5-1952, I applied for the grant of a fresh license, it was rejected on the ground that there is no niecesity for additional license. But when the present policy in granting license in this District is 1% of the policy prevailing in one or two years back and the business having come down cent per cent the Revenue and Police authorities say that there is necessity for additional 2 shops. This very version will make it clear that either the Revenue and Police reported on my petition dated 26-5-1952 that there is no necessity for an additional shop with malice against me with a mind to make my petition rejected or made a special recommendation in petitions of the three not with any other reason but to enable Mahalinga Pai secure a license in this case.

9. In this connection I beg to submit that the records of M.L.Dis.3922/52 all the papers dealt with in C.No.7259/53 if perused will throw light over the above facts and give room for some kind of suspicion in the mind of any common man.

at (2)

10. Further I submit that the licenses though sanctioned they were not issued. Further enquiry was caused to be held before the issue of licenses, perhaps the orders were passed sanctioning licences setting aside my petition, out of anxiety and fear that in the eyes of justice it would not have been possible for the District Magistrate to grant licences to Mahalinga Pai in preference to me. When I appealed to the Board of Revenue atleast till the disposal of the appeal, the issue of licences could have been held up, as a matter of atleast signed to the Board of Revenue. But as against to this

I understand the licenses were issued with all the hurry as to disappoint me in my appeal to Board.

11. It might have been in the impression of the District Magistrate that the licensees of Kadaba and the surrounding villages might be effected if my license is transferred to Puttur. But a kind thorough perusal of the enclosed statement will convince that only 1% customers of Kadaba and surrounding villages purchase arms and ammunition from me and the rest 99% of the customers are all from across the river and my business is mainly depending upon the licensees of across the river.

12. I had no intention to appraise all these facts to the Government. But when an injustice was once done to me the Board Could have looked into the matter and done some amount of justice to me. But to my illluck even Board leading the entire burden to Government stated that the Board sees no reason to interfere with the orders of the Dt. Magistrate. Then does it mean that all the facts stated in my appeal are false or baseless or undeserving. If the Government finds that there are ex-aggerrations or falsehood in my appeal I do not want even a pies consideration on my appeal or else the Government may kindly look into the matter and feeling the amount of injustice done to me pass favourable orders on my appeal. If the Government is not fully convinced with the facts referred to in the appeal I may kindly be given an apportunity to argue the matter through any lawyer.

13. Once I feel that the District Magistrate's impression might be that there is necessity of a shop at Kadaba only and hence it is not possible for granting a license to me at Puttur. If that would be the impression a kind perusal of my contentions in para 8 may be perused. This will clearly throw light over the fact that the Dt. Magistrate is changing his version as he liked according to the time and the place and not based on justice. If the Dt. Magistrate would have granted me an order in 1952 that one person could not be granted two licenses I would not have

applied for an additional license at. Puttur ans struggled so much . Now because the District Magistrate felt like sanctioning one licence to Mahalinga Pai he passed orders granting licence to him in preference to me.

14. To deprive of my legitimate claims and to prove his action as explained the District Magistrate simply changes his views according to his will and pleasure. It is therefore humbly prayed that on a kind consideration, the connected records may kindly be called for from the Board of Revenue and orders deemed fit may kindly be passed at an early date.

Camp:-Puttur. S.Kanara.
Dated 30th April 1954.

Yours obediently,

Enclosures:-

1) Proceedings of the Board of Revenue, Madras in Routine No. 1761/54 d/ 6-4-1954.

2) 23-12-1953 True copy of appeal Memo submitted by the appellant to the Secretary to the Board of Revenue, Madras.

3) 9-11-1953. True copy of petition submitted by Appellant to the Dt. Magistrate of South Kanara, Mangalore.

Total 15 Pages.

Home Dept

Endt No 61786 Poll III/54-1 Dated 13.5.54

Referred to the Bd of Revenue Madras for remarks to be submitted not later than 31-6-54 together with connected records.

13.5.54

To the Bd of Revenue Madras (with a copy of P1-5 of) (RD 12-6-54)

To

The Secretary,
To The Board of Revenue
Land Revenue
M a d r a s. 5.

K.Abdul Khader, Arms and Ammunition Dealer, KadabaPuttur Taluk, South Kanara District, Post Kadaba. } Appellant.

Sir,

Arms Act and Rules - Puttur Town - Grant of a fresh licence -Appeal against the District Magistrate's order.

The appellant begs to prefer this appeal against the order passed by the District Magistrate of South Kanara in Ref. C2-7259-53 dated 19-12-1953(copy enclosed) rejecting the claims of the appellant in appointing a new licences to deal in Arms and Ammunition in Puttur Town on the following grounds inter alia.

2. The Order is against law, justice and equity.

3. The claims of the appellant were not weighed against the claims preferred by the other claimants and the order is therefore one sided opposed to the principles of justice.

4. The appellant is a dealer in Arms and Ammunition at Kadaba of Puttur Taluk. He is the holder of Licence in Form IX, X , XIII under the Indian Arms Act and Form K under the Indian Explosive Act.

5. Kadaba is a thinly populated area at the foot of the Western Ghats in these malnad parts and is cut off from the Taluk Head Quarters in the rainy season by unfordable streams and rivers. Inspite of this handicap the appellant's honest dealings and good-will attracted customers from other parts of the Taluk. Most of the customers of the appellant are from the suburbans parts of Puttur, Sullia and Uppinangady. In view of the incon-

veniences caused to the customers in rainy season the appellant applied to the District Magistrate on 26-5-1952 to grant him a licence to open a wholesale shop in Puttur Town. But his request was turned down in District Magistrate's M.L.Dis. 3922/52 on the ground that there was no need for an additional shop at Puttur.

6. Since then there was a general set back in trade and the appellant did not think it necessary to press his claims, as it would give a just cause for complaint from the dealers in Puttur.

7. In November 1953, the appellant got information that one Sri. Mahalinga Pai of Puttur and another applied for the licence to run an additional shop in Puttur town and that the enquiry is likely to be moved with interest on all sides in his favour. The appellant therefore renewed his claim by filing a petition to the District Magistrate on 9-11-1953 without prejudice to his shop at Kadaba. All these petitions were dealt with in District Magistrate's C.No.C2-7259-53.

8. Enquiry was held on all these petitions and the District Superintendent of Police offered his remarks on 11-12-1953 on them. But strangely enough only the claims of Sri. Mahalinga Pai and another of Puttur Town were considered on 13-12-1953 and the District Magistrate passed orders on that day granting a licence to Sri. Mahalinga Pai shutting out the appellant from the view.

9. This order was therefore, one-sided and is detrimental to the interest of the appellant. In the first place, the appellant petition which formed part and parcel of the records of C.No. C2-7259-53, should have been considered simultaneously with other petitions. Secondly, the unusual hurry attendant in passing orders on the petition of Sri. Mahalinga Pai drives to the forcible conclusion, that the petition of Sri. Mahalinga Pai received undue consideration against the appellant's claims.

10. Besides, orders were passed on the appellant's petition on 18-12-1953. The fact that the new shop has not been opened till now gives credence to the rumour, that the issue of licence to Sri. B.Mahalinga Pai is still under enquiry. If this is so, the order passed by the District Magistrate on 13-12-1953 was undoubtedly premature and is untenable.

11. The appellant, therefore, prays that the District Magistrate's order issuing a fresh licence to Mahalinga Pai may be kept in abeyance pending orders on this petition.

For which act of kindness and justice the appellant ever prays.

Puttur
23-12-1953.

Sd. K.Abdul Khader,
Appellant.

/True copy/

To

The District Magistrate,
South Kanara District,
Mangalore, S.K.

K. Abdulkadder,
Arms & Ammunition Dealer,
Kadba, Puttur Taluk, S.Kanara.) Petitioner.

Arms Act - Wholesale business in Arms & Ammuniti n -Grant of license- Requested -

The petitioner is a retail dealer in Arms and ammuniti n in Kadaba holding licenses in Form Nos. IX, X, XIII, and K. He has sufficient means to stock and cater to the needs of the public comprised in the 46 villages of Kadaba Police Stati n.

2: The good will earned on account of the petitioner's honest dealings in trade and his supply of arms and ammunitions at a comparatively even from Puttur casba and Belthangady casba. The enclosed list will give bird's eye view regarding the vast jurisdiction of the petitioner supply and his capacity to cater their needs.

3. On account of difficulties in communication during the rainy season, his customers especially those from Belthangady and Puttur Frikas find it impracticable to get arms and ammunition from the petitioner during the rainy season. The result is, they had to purchase their requirements at a higher rate from Puttur Casba. Under these circumstances, the necessity of opening of a new shop by the petitioner to cater the needs of his customers needs no further explanation.

4. The dealers in Puttur kasba do not keep sufficient stock ato meet the requirements of the Public. For the last five years the supply fell short of the demand in Puttur Casba. Hence the opening of new shops is a long felt one. The constant pressure from the customers under these circumstances, constrained the petitioner to apply to the District Magistrate on 26-5-1952 for the grant of permission to open a wholesale shop at Puttur, with the fervant hope of discharging his duties to the customers. But unfortunately, the permission sought for was rejected in M.L.Dis.3922/52 on the ground that there was no need to open one more shop in Puttur casba in addition to the existing ones.

5. The petitioner now learns that the Government have found it imperative to open a new shop in Puttur casba. Hence in the fitness of things, the prior claims of the petitioner may kindly be considered.

6. It is an admitted fact that all the arms and ammunition dealers in Puttur have got other kinds of business apart from this. Hence they attach secondary importance to Arms and Ammunitions. This is not in accord with the spirit governing, the running of such shops. The petitioner deals exlusively in Arms and Ammuntions. This aspect may also be considered.

7. The petitioner had already secured a shop in the centre of Puttur Casba and is paying rent for the last one year. He is a rich wargdar paying an

an assessment of about Rs.75/- and has got sufficient resources to stock the required quantity of arms and ammunition.

8. The petitioner, therefore, requests that he may be licensed to deal in arms and ammunition in Puttur Kasba as detailed belwo. If the existing license in Kadaba comes in the way of granting a fresh licenser in Puttur Kasba, the petitioner requests that the place of the existing license may kindly be changed to Puttur, so that he can run the business on the existing license in Puttur itself.

FORM 'X':-	1. S.B.B.L. Guns....	25.
	2. D.B.B.L. Guns....	10.
	3. S.B.R.L. Guns.	50.
	4. D.B.M.L. Guns.	10.
	5. Loddd Cartridges.	10,000.
	6. Empty cases....	5,000.
	7. Percission Caps.	100,000.
	8. Sulphur.	50 lbs.
	9. Leadshots.	10 cwts.
FORM.'K'.	Gun Powder....	50 lbs.
	Fireworks....	200 lbs.
Form 'XIII'.	1. S.B.B.L. Guns...	20.
	2. D.B.B.L. guns.	10.
	3. S.B.R.L. Guns.	50.
	4. D.B.M.L.Guns.	15.

For which act of kindness, and justice the petitioner will ever remain grateful.

Puttur,
9-11-1953.

Petitioner.

Copy to the District Superintendent of Police, S.Kanara. Mangalore.

/ true copy /

/ true copy /

License form IX, Pat.33/1. X. Pat.1/1 K. Pat.61/2. XIII.

Sales in 1951, 1952, 1953.

Sold in 1951, 1952, 1953. those were sold to the customers hailing Police station limits of Kadaba, Puttur, Sullya, Belthangady, etc. villages (Bird's eye view) stated in brief:-

1. Yogi Achari, Netla, Netla Madnur village...	S.B.M.L. Gun.	1.
2. Yelurud Nagappa of Puttur Kasba.	Cartridges.	
3. Janardhan Naik. Bajathur, Uppinagady. P.O.	S.B.B.L.Gun.	1.
4. K.Muthappa of Kodiyal village. Bobbekery P.O.	S.B.M.L.Gun.	1.
5. Ammu Naika, Punchappady village. Bobbkery.	S.B.M.L.Gun.	1.
6. Padma Bhandary, P.Uppinangady. Barya ...	S.B.B.L.Gun.	1.
7. Kunhiamad, Bearys Someshwar, Mangalore Tq.	S.B.B.L. Gun.	1.
8. Ismail Haji - do -	S.B.B.L.Gun.	1.
9. Mada, s/o.Hukra, Nelyadi village,Kokkada.	S.B.M.L.Gun.	1.
10. Dharma, Pala Poovani, Borimara village & P.O.	D.B.M.L.	1.
11. K.Kariappa Rai, N-Madnur, Neralkatta.	S.B.B.L.	1.
12. Hasainar Beary, Nimco Jortractor, Adoor.	Cartridges.	
13. Laxmana Poojary. Samanur villa e.	S.B.B.L.Gun	1.
14. Haji Achappa Beary, Beliyur village.	S.B.B.L.	1.
15. Ahamd Kunhi, Kombettu of Puttur Post.	S.B.M.L.	1.

and some villages of Chokkady, Bathyadka , Koila, Golithattar, Subramanya, Shirady, Islampady, Ballare, Harasi-nammaki, etc.

Total sold in 1951:-

S.B.B.L. Guns.	12.
S.B.M.L. guns.	28.
~~D.B.M.L. Guns.~~	1.
Loaded cartridges.	2734.
P.Caps.	40,514.
Gun Powder.	346 lbs.

Total sold in 1952:-

S.B.B.L. Guns.	10.
S.B.M.L. guns.	31.
D.B.M.L. Guns.	3.
Loaded cartridges.	1020.
P.Caps.	31,441.(31,411).
Gun powder.	267 lbs. 20 tolas.

Total sold in 1953. (upto 5-11-1953).

S.B.B.L. Guns.	2.
S.B.M.L. guns.	7.
D.B.M.L. guns.	--
Loaded cartridges.	1263.
P.Caps.	20,848.
Gun powder.	184 lbs. 5 tolas.

Closing balance on 5-11-1953.

Form IX, X.

S.B.B.L. Guns.	4.
S.B.M.L. guns.	14.
D.B.M.L. Guns.	1.
Ld.Cartridges.	850.
P.Caps.	9819.
Gun powder.	31 lbs. 15 tolas.

Form 'K'.

Form XIII.(Deposit).

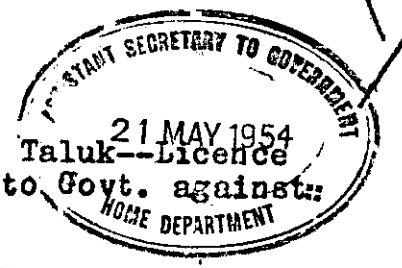
S.B.B.L. Guns.	2.
S.B.M.L. guns.	7.
D.B.M.L. Guns.	1.

Date: 9-11-1953.

True Copy

Petitioner.

REVENUE DEPARTMENT,



Subject;
ARMS ACT AND RULES--South Kanara-District--Puttur Taluk--Licence to deal in arms and ammunition at Puttur--Appeal to Govt. against the orders of the Board--Report called for.

****

Madras. Ref.L.1399/54-1. Dated 20-5-54.

Sri V.N.Kudva, I.C.S.,Commissioner of Commercial Taxes.
Sri K.Suppa Menon,I.A.S.,Secretary (C.S.),Board of Revenue.

Read:Board's Proceedings Rt.1761/54 dated 6-4-54.
Govt. Endorsement No.61786 Police III/54-1 Home, d/13-5-54

REFERENCE:

The Board submits that the Collector of South Kanara has been addressed for submission of the connected records and that its report will be submitted soon after the receipt of the Collector's records.

Trivandrum 20/-
for Secretary(C.S.).

To the Secr tary to Government, Home Department,Madras.

nedr.20-5.

Home Dept

Submitted for perusal.

The final report from the Bd of Revenue together with connected records may be awaited till 15-6-54.

Revenue Department.

Subject:- Arms Act and Rules -South Kanara - Puttur Taluk- licence to deal in Arms and Ammunition at Puttur- rejected - Appeal to Government against the orders of the Board - report- submitted-

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Refce. L.1399/54-2

Madras. dated 16-6-54.

From

Sri V.N. Kudva, I.C.S., Commr. of Commercial Taxes.

Sri K. Suppa Menon, I.A.S., Secretary, (C.S.) Board of Revenue, Madras.

Read:-

Government Endt. No.61786-Police- III-54-1 Home dated 13-5-54.

Board's refce. L.1399/54-1 dated 20-5-54.

From the District Magistrate, South Kanara, Refce. 3341/54-C.2 dated 9-6-54.

Reference:- Submitted to Government.

2. The Board submits B.P.Rout. 1761 dated 6-4-54 in which the appeal was disposed of.

for Secretary.

To the Secretary to Government, Home Dept.
with M.L.Dis.3922/53, M.D.Dis.512/54, M.Dis.7259/53
B.P.Rt.1761/54 to be returned.

amk. 16/6.

Letter from the District Magistrate, South Kanara, Refce.C.No.3341-54-C.2 dated 9-6-54:-

p17 ante Ref:- Board's refce.L. 1399-54-1 dated 20-5-54.

pp9-10 (N) A detailed report in the matter was submitted in this office Ref.C.2.512-54 dated 4-2-54, in reply to Board's Refce. C. p7 (W) No.L.94-54 dated 18-1-54. It deals with many of the contentions raised by the appellant, including those referred to in Paras 1 to 7 of the petition received with Board's reference cited above. I submit the following remarks in regard to the fresh points raised by the appellant in his present appeal petition to the Government.

2. Paragraph 8: The allegations made against Revenue & Police Officers are frivolous. There could be absolutely no special reason for rejecting the application in 1952. Reference at (Z) is invited to M.L.Dis.3922-52 and the facts disclosed during the enquiry in 1952 did not warrant the necessity for an additional shop. The statistics of the arms licences in the district from 1950 to 1953 are as follows:-

As on 31-12-1950	10317.
As on 31-12-1951	11201
As on 31-12-1952	13135
As on 31-12-1953	127 10

As compared to 1952, the decrese in the number of licences in 1953 was only 425 and so far as Puttur taluk was concerned there was no appreciable reduction at all. The appellant is therefore wrong in saying that the business had come down cent per cent in 1953 and that there was no necessity for a new shop in that year. The reasons for rejecting his requests either for a fresh licence to open a shop at Puttur or to permit him to shift his shop from Kadaba to Puttur are given by my predecessor at page 4 of the note file of M.D.Dis. 7259/53. Reference is also invited to the report of my predecessor Ref.C.2.512/54 dated 4-2-54.

p44 (T)
4 (W)

P.T.O.

Para. 10:- The orders in the matter were passed on 24-12-1953, and the order sanctioning the issue of licences was despatched on 26-12-53. There was no hurry in the issue of licence so as to disappoint the appellant as alleged by him.

4. Para.11:- The Deputy Superintendent of Police and Inspector of Police have reported that the appellant is catering to the needs of the gun licences of the vast interior area of Puttur taluk. The statement of the appellant is therefore not correct.

5. Para. 13:- There is no basis for the allegation that the District Magistrate changed his views as he liked. The orders in 1952 and in 1953 rejecting the appellant's petitions were based on a full consideration of the facts reported by the Police and Revenue Officers.

The following records are enclosed.

1. M.L.Dis.3922/52 2. M.D.Dis.7259/53 3.M.D.Dis.512/54.

(sd) xx
for Collector.

(True copy)

for Secretary.

amk. 16/6.

2 Files

CNo 61786/54 grou 2 20/8/54

Follows precedent

on/pp 15-16 cy q (F)

GO Rt No 3634

11/2/54

Home Dept

GO Rt No 2541 Dated 25/8/54.

Arms Act and Rules — South Kanara Dt Puttur Taluk — Sri. Abdul Kader — Licence to deal in arms and ammunition — Petition to Govt — Rejected.

pp1-5 cy

Read:- From Sri. Abdul ~~Kader~~ Khader petition dated 30-4-54

p19 cy

From the Bd of Revenue letter No Rev-L 1399/54-2 dated 16-6-54

Order

The petition of Sri Abdul Khader is rejected. The

p27 cy

Copy of the proceedings of the Bd of

P.T.O.

Revenue ~~to~~ Runtha No 1761/54 dated 6-2-56 from [illegible]
received with the petition cited is returned
to the petitioner

2 The records received from the Bd of Revenue Madras are returned herewith

By
23/2/56

Bd
29/11/54 By
21/2/56 SM.

To
Sri. Abdul Khadir,
Name & communication
Dealer, Kadaba, Puttur
Tk, South Kanara Dt
(with para 1 only with
prayer)

To the Bd of Revenue Madras
with pps at-(W)(F)(2)(L)
copy to the collector of
South Kanara, Mangalore
addressed as per U.S.F.

(C.No.61786/54)

Home Department.

Arms Act and Rules - South Kanara District - Puttur taluk - Petition from Sri Abdul Kader- Rejected by D.M. South Kanara, Appeal dismissed by Bd. of Revenue - Petition to Govt.

pp1-5 cf p5 cf p19 cf

Ref: From Sri Abdul Khader petition dated 30-4-54. Issued as Endt.No.61786.Pol.III/54-1, d/ 13-5-54.
From the Bd. of Revenue Letter No.Ref.L. 1399/54-2 dated 16-6-54.

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pp1-5 cf

Sri Abdul Khader, Arms and Ammunition Dealer, Kadaba, Puttur Taluk, South Kanara district has submitted a petition to Govt. against the orders of the Bd. of Rev. rejecting his appeal. A copy of the order of the Bd. of Rev. petitioned against is on p.7 c.f.

p 5 cf

The petition was referred to the Board of Rev. for remarks. The Board was also asked to send the connected records. The Board has forwarded the

pp21-22 cf

remarks of the Collector of South Kanara on the petition and the connected records of the case are at (W), (L), (T) and (Z).

para 2+3 and pp1-2 cf

Sri Abdul Kader has stated that he is a licensed dealer in Arms and Ammunition at Kadaba in Puttur Taluk of South Kanara district, that the amount of business turned out at the shop being little, he wanted to open a wholesale shop at Puttur and that on 26-5-52, he applied for a licence to the Collector of South Kanara for the purpose. He has stated that the Collector of

cp para 3, pp 1-2 cf

South Kanara rejected his application for licence on the ground that there was no necessity for an additional shop at Puttur and that the existing three shops were enough to meet the needs of the ~~licences~~ licensees in Puttur. The petitioner has stated that

para 4, p2 cf

subsequently when he knew that two other persons also applied for licence at Puttur he submitted

another petition to the Collector on 9-11-53 to grant him a licence for opening a shop at Puttur in lieu of the one at Kadaba or to give him a fresh licence for opening a shop at Puttur. He says that the Rev. and Police Officials made a special recommendation to enable Mahalinga Pai to secure a licence. The petitioner says that the ~~D.M.~~ Collector declined to grant him a licence in 1952 on the ground that there was no necessity for an additional shop at Puttur, that he changed his views in 1953 when the business had come down (by cent per cent) by granting a licence to Mahalinga Pai and rejected his petition ~~in 1953~~, and that there was some delay in issuing a licence to Mahalinga Pai and that further enquiries were made by the Collector. The petitioner appealed to the Board but his appeal was rejected. He therefore requests that all the connected records of the case may be perused and suitable orders may be passed at an early date.

The D.M. South Kanara has stated that the allegations made against the Revenue and Police Officials are frivolous that there could be absolutely no special reason for rejecting the application in 1952, that the facts disclosed during the enquiry in 1952 did not warrant the necessity for an additional shop ~~and~~ that there was no appreciable reduction in the number of licences in 1953 so far as Puttur Taluk was concerned and that the statement of the petitioner that the business came down cent per cent in 1953 is not correct. The D.M. has stated that the reasons for rejecting his request were that the petitioner was having his shop at Kadaba catering to the needs of the licensees in the interior area, that there was no need or justification to transfer the shop to Puttur, and that in selecting Sri Mahalinga Pai, priority was given to him on account of the fact that he was one of the applicants in 1951.

cp para 6, p 2 y

cp para 8 p 3 y

cp para 10, p 3-4 y

para 14, p 5 y

para 2, p 21-22 y.

cp p 4 of (T) also cp p 9-10 of (W).

2 The Board of Revenue also examined the appeal in detail. With reference to the appeal to the Board of Revenue the Collector reported to the Board as follows:-

Sri Abdul Khader, the petitioner holds a licence to deal in Arms and Ammunition at Kadaba in Puttur Taluk, South Kanara district. On 9-11-53 he applied for an additional licence to deal in arms and ammunition at Puttur or in the alternative permission to shift his shop from Kadaba to Puttur. The petitioner made a similar attempt in 1952 to get a licence for opening a shop at Puttur in addition to his shop at Kadaba. That petition was rejected by the A.D.M. as the S.D.M. Puttur and the D.S.P., South Kanara did not recommend his application. The Collector says that the petitioner has been making attempts to have a shop at Puttur and that the closing of his shop at Kadaba will cause serious inconvenience to holders of gun licences in the interior area not easily accessible to town; and that there was therefore no justification for granting him a licence at Puttur. The Collector therefore rejected his application.

There were three licensed shops at Puttur. The S.D.M., Puttur recommended an additional shop for Puttur. The Police recommended the opening of two additional shops at Puttur. There were two applicants for new shops at Puttur - 1 Sri B.Mahalinga Pai and 2 Sri B.Jagannatha Rai. The opening of only one additional shop was approved by the Collector and Sri B.Mahalinga Pai was selected. The Collector stated that in selecting Sri Mahalinga Pai, priority was given to him on account of the fact that he was one of the applicants in 1951; and that even if the petitioner's application were to be considered along with the other two, his claim for

shifting his shop at Puttur was not sustainable. The Collector has also stated that the petition of Sri B.Mahalinga Pai was received on 11-9-53, much earlier than that of the petitioner; that the report of the D.S.P. on the applications of B.Mahalinga Pai and Jagannatha Rai was received on 12-12-53 and orders were passed by him on 13-12-1953.

As regards the petitioner's contention that he was the earlier applicant the Collector reported that his petition dated 9-11-53 was received with the report of the D.S.P. on 14-12-1953 and orders on this petition were passed by the Collector on 16-12-53. This was put up separately by the Office of the Collector. The Collector has stated that the clerk concerned was new and the section head was on casual leave, that another clerk who put up the paper dealt with the applications of Sri B.Mahalinga Pai and Jagannatha Rai separately, from the application of the petitioner without knowing that the application of the petitioner was pending with the D.S.P. However, after the section head returned from leave, all the three applications were put up to the Collector again for orders. The Collector stated that as there was no miscarriage of justice, the orders already passed were allowed to stand and the petitioner's application was rejected. The Collector also stated that the petitioner has no case to open a new shop at Puttur closing down his shop at Kadaba or as a second one.

While considering the appeal the Board's Secy. noted that the Collector had considered all the issues on the basis of competitive claims and in his discretion appointed Sri Mahalinga Pai as dealer etc. and that there was no case to interfere with the Collector's orders. The appeal was rejected by the Board.

3 The petitioner's request is for the grant of licences in forms IX, X and XIII in schedule VIII to the Indian Arms Rules and in form K under the

Explosives Rules for opening an Arms and Ammunition shop at Puttur in South Kanara district. Under rule 41 of the Indian Arms Rules an appeal lies to the Bd. of Rev. against the orders of the Collector refusing to grant a licence. Under Rule 95 of the Explosives Rules an appeal against the order refusing the grant of licence by the Collector under these rules, lies to the Board. In both cases the rules do not provide for a second appeal to Government. For orders whether the petition may be rejected.

Rules

RD 13/8/54
14/8/54.

18/8/54

S

19/8/54

Draft order submitted for appl

RD 20/8/54
20/8/54.

23/8/54

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